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10/042,324	01/11/2002	Yoshiki Ishii	03560.002979	4439

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EXAMINER
DANG, HUNG Q

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2633	

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11 January 2002</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-50</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-50</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>11 January 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 9-24, 27-35, and 38-50 are rejected under 35 U.S.C. 102(e) as being

anticipated by Sakai et al. (US Patent 6,658,196).

Claims 1 and 31 recite an apparatus and a method for processing information

data and playback description data, comprising: (1) modified information data

processing means and step for newly generating modified information data by using

part of the information data; (2) description data processing means and step for

modifying the playback procedure and modifying the content of the playback description

data; wherein (3) the playback description data comprises playback time information

relating the playback time of the information data; and (4) the description data

processing means modifies the playback time information in accordance with the

modified playback procedure;

Sakai et al. anticipate an editing apparatus and a method for editing video signals

recorded on an optical disk, comprising: (1) modified information data processing

means or step for newly generating modified information data by using part of the

information data ("data expansion circuit", "effecter", " data compression circuit" in Fig.

1, column 9, lines 36-50; column 14, lines 34-40, 55-61); (2) description data processing

means or step for modifying the playback procedure and modifying the content of the

playback description data ("system control circuit" in Fig. 1; column 9, lines 56-67);

wherein (3) the playback description data comprises playback time information relating

the playback time of the information data (column 12, lines 18-26); and (4) the

description data processing means modifies the playback time information in

accordance with the modified playback procedure (column 9, lines 56-67);

Claims 11 and 40 recite an apparatus and a method for processing an

information file having information data and playback description data indicating a

playback procedure of the information file, comprising: (1) modified information data

processing means and step for newly generating modified information data by using

part of the information data to obtain a modified information file having the modified

information data; and (2) description data processing means and step for modifying the

playback procedure such that the modified information file is played back instead of the

part of the information data in the information file, and modifying the content of the

playback description data in accordance with the modified playback procedure.

Sakai et al. anticipate an apparatus and a method for processing an information

file having information data and playback description data indicating a playback

procedure of the information file, comprising: (1) modified information data processing

means and step for newly generating modified information data by using part of the

information data to obtain a modified information file having the modified information

data ("data expansion circuit", "effecter", " data compression circuit" in Fig. 1, column 9,

lines 36-55; column 14, lines 34-40, 55-61); and (2) description data processing means

and step for modifying the playback procedure such that the modified information file is

played back instead of the part of the information data in the information file, and

modifying the content of the playback description data in accordance with the modified

playback procedure ("system control circuit" in Fig. 1; column 9, lines 56-67).

Claims 15 and 43 recite an apparatus and a method for processing playback

description data containing an information data object designating a playback operation

of information data and indicating a playback procedure of the information data,

comprising: (1) instruction means and step for modifying the playback procedure such

that modified information data generated by using part of the information data is played

back instead of the part of the information data; and (2) description data processing

means and step for adding, in accordance with the modified playback procedure, a

modified information data object designating a playback operation of the modified

information data to the playback description data, and for modifying playback time

information for the information data included in the information data object.

Sakai et al. recites an apparatus and a method for processing playback

description data containing items designating cuts of transition periods (column 9, lines

59-62), which are information data object designating a playback operation of

information data and indicating a playback procedure of the information data,

comprising: (1) instruction means and step for modifying the playback procedure such

that modified information data generated by using part of the information data is played

back instead of the part of the information data ("system control circuit" in column 10,

lines 38-48); and (2) description data processing means and step for adding, in

accordance with the modified playback procedure, a modified information data object

designating a playback operation of the modified information data to the playback

description data, and for modifying playback time information for the information data

included in the information data object ("system control circuit" in column 9, lines 56-67).

Claims 2, 12, 16, 32, 41, and 44 recite the playback time information indicating a

playback start time or end time of the information data; and the description data

processing means modifying the playback start time and end time in accordance with

the playback time of the playback time of the modified information data.

Sakai e al. anticipate the playback time information indicating a playback start

time or end time of the information data as in-points and out-points time codes (column

3, lines 18-21; column 7, lines 63-67; column 8, lines 1-13; column 12, lines 18-26); and

the description data processing means modifying the playback start time and end time

in accordance with the playback time of the playback time of the modified information

data (column 7, lines 63-67; column 8, lines 1-13; column 12, lines 18-26).

Claims 3, 13, 17, 33, 42, and 45 recite the description data processing means

generating restoration time information indicating an amount of modification of the

playback start time or end time, and adding the restoration time information to the

playback description data.

Sakai et al. anticipate the description data processing means generating

restoration time information indicating an amount of modification of the playback start

time or end time using the transition duration or period, and adding the restoration time

information to the playback description data (column 9, lines 56-67).

Claims 4, 5, 34, and 35 recite the description data processing means generating

restoration information for restoring the playback procedure (column 9, lines 56-67)

such that the part of the information data is played back instead of the modified

information data (column 14, lines 34-46), and adding the restoration information to the

playback description data, and again modifying the content of the playback description

data by using the restoration information when the playback procedure is restored

(column 9, lines 56-67).

Claim 6 recites a recording means for recording the modified information data

and the playback description data whose content has been modified in a recording

medium in which the information data is recorded.

Claim 14 recites a recording means for recording the modified information file

and the playback description file whose content has been modified in a recording

medium in which the information file is recorded.

Sakai et al. anticipate a recording means for recording the modified information

data or the modified information file (column 9, lines 44-51) and the playback

description data or the modified information file whose content has been modified in a

recording medium in which the information data or the information file is recorded

(column 10, lines 49-52).

Claims 9 and 38 recite the information data to include encoded moving image

data, and the modified information data processing means comprising decoding means

for decoding the moving image data, combining processing means for performing a combining processing on a plurality of items of moving image data decoded by the decoding means, and an encoding means for encoding moving image data obtained by the combining processing to thereby generate the modified information data.

Sakai et al. anticipate the information data to include encoded moving image data (column 9, lines 9-16), and the modified information data processing means comprising decoding means for decoding the moving image data ("channel decoding circuit 20" in Fig. 1), combining processing means for performing a combining processing ("system control circuit 15" and "effecter 8" in Fig. 1; column 9, lines 36-43) on a plurality of items of moving image data decoded by the decoding means, and an encoding means for encoding moving image data obtained by the combining processing to thereby generate the modified information data ("compression circuit 7" in Fig.1; column 9, lines 44-49).

Claims 10, 18, 39, and 46 recite the modified information data processing means and step to perform a modification processing or information processing is performed or provided on the part of the information data, and the description data processing means further generating, in accordance with the modified playback procedure, section information or adding modified information data object section information and indicating a section of the modified information data where the modification processing has been performed or provided and adds the section information to the playback description data.

Sakai et al. anticipate the modified information data processing means and step to perform a modification processing on the part of the information data (column 8, lines 46-49) , and the description data processing means further generating, in accordance with the modified playback procedure, section information or modified information data object section information indicating a section of the modified information data where the modification processing has been performed or provided and adds the section information to the playback description data (column 8, lines 56-60).

Claims 19 and 47 recite the description data processing means and step that adds modified information data ID information for identifying the modified information data to the modified information data object.

Sakai et al. anticipates the description data processing means and step to add a transition mode, which is the modified information data ID information, for identifying the modified information data to the modified information data object (column 9, lines 59-62).

Claims 20 and 48 recite the description data processing means and step to add information indicating the type of modification processing performed on the modified information data as an attribute of the modified information data ID information.

Sakai et al. anticipate the description data processing means adding information indicating the type of modification processing performed on the modified information data as an attribute of the modified information data ID information (column 6, lines 37-39; column 9, lines 59-62).

Claims 21 and 49 recite a recording apparatus and a data processing method comprising: (1) description data generation means for, and a step of, generating playback description data indicating a playback procedure of a plurality of items of information data and modified information data which is obtained by performing a modification processing on the information data; (2) section information generation means, and a step of, for generating section information indicating a section of the modified information data where the modification processing has been performed; and (3) a recording means for recording the playback description data and the section information in a recording medium and an output processing step of outputting the playback description data and the selection information to the recording means.

Sakai et al. anticipate a recording apparatus and a data processing method, comprising: (1) description data generation means for, and a step of, generating playback description data indicating a playback procedure of a plurality of items of information data and modified information data which is obtained by performing a modification processing on the information data (column 9, lines 56-67); (2) section information generation means for, and a step of, generating section information indicating a section of the modified information data where the modification processing has been performed (column 8, lines 45-49 and 56-60); and (3) a recording means for recording the playback description data and the section information in a recording medium and an output processing step of outputting the playback description data and the selection information to the recording means (column 10, lines 49-52).

Claim 22 recites the section information being recorded by being incorporated

into the playback description data, which is anticipated by Sakai et al. (column 9, lines

56-67; column 10, lines 49-52).

Claim 23 recites the information data to include image data, the modification

processing to include a special effect processing on the image data, and the section

information to include a start time or end time of the special effect processing within the

modified information data.

Sakai et al. anticipate the information data to include video data, which is image

data (column 6, lines 30-31), the modification processing to include a special effect

processing on the image data (column 6, lines 31-38), and the section information to

include a start time or end time of the special effect processing within the modified

information data (column 8, lines 56-60).

Claim 24 recites the information data to include image data, the modification

processing to include a combining processing for combining the image data and other

data, and the section information to include a start time or end time of the combining

processing within the modified information data.

Sakai et al. anticipate the information data to include image data (column 6, lines

30-31), the modification processing to include a combining processing for combining the

image data and other data (column 9, lines 36-39), and the section information to

include a start time or end time of the combining processing within the modified

information data (column 8, lines 56-60).

Claim 27 recites a display control means for displaying in a display unit, based on the section information, an image representing the section of the modified information data where the modification processing has been performed.

Sakai et al. anticipate a display control means for displaying in a display unit, based on the section information, an image representing the section of the modified information data where the modification processing has been performed ("video process circuit 26" in Fig. 1; column 13, lines 19-27).

Claims 28, 29, and 50 recite an apparatus and a method for processing or for use in a system for playing back a plurality of items of information data and modified information data which is generated by using the information data as a material, in accordance with playback description data indicating a playback procedure for the plurality of items of information data and the modified information data, the apparatus comprising: (1) generation means, or a step of, for generating section information indicating a section in the modified information data in which information data different from the material information data are included; and (2) a recording means for recording in a recording medium the section information (and together with the playback description data) generated by the generation means and an output processing step of outputting to a recording means the section information.

Sakai et al. anticipate an apparatus and a method for use in a system for playing back and processing a plurality of items of information data and modified information data which is generated by using the information data as a material, in accordance with playback description data indicating a playback procedure for the plurality of items of

information data and the modified information data, (column 9, lines 56-67; column 14,

lines 64-66), the apparatus comprising: (1) generation means for, and a step of,

generating section information indicating a section in the modified information data in

which information data different from the material information data are included (column

8, lines 56-60; column 9, lines 56-67); and (2) a recording means for, and a step of,

recording in a recording medium the section information together with the editing list,

which is the playback description data, generated by the generation means and an

output processing step of outputting to a recording means the section information

(column 10, lines 49-52).

Claim 30 recites an apparatus for processing playback description data including

an information file having information data and an information data object designating a

playback operation of the information data, the playback description data further

indicating a playback procedure of the information data, the apparatus comprising: (1)

modified information data processing means for newly generating modified information

data by using part of the information data and obtaining a modified information file

having the modified information data; (2) instruction means for modifying the playback

procedure such that the modified information data is played back instead of the part of

the information data; (3) description data processing means for adding to the playback

description data a modified information data object including section information

indicating a section of the modified information data where the modification processing

is provided, the modified information data object further designating a playback

operation of the modified information data, wherein the description data processing

means further modifies playback time information of the information data contained in

the information data object; and (4) recording means for recording in a recording

medium the modified information file and the playback description data outputted from

the description data processing means.

Sakai et al. anticipate an apparatus for processing playback description data

including an information file having information data (column 3, lines 18-20) and an

information data object designating a playback operation of the information data

(column 9, lines 60-62), the playback description data further indicating a playback

procedure of the information data (column 9, lines 56-67), the apparatus comprising: (1)

modified information data processing means for newly generating modified information

data by using part of the information data and obtaining a modified information file

having the modified information data ("effecter 8", "compression circuit 5" in Fig.1;

column 9, lines 35-51); (2) instruction means for modifying the playback procedure such

that the modified information data is played back instead of the part of the information

data ("system control circuit 15" in Fig. 1; column 9, lines 56-67); (3) description data

processing means for adding to the playback description data a modified information

data object including section information indicating a section of the modified information

data where the modification processing is provided, the modified information data object

further designating a playback operation of the modified information data, wherein the

description data processing means further modifies playback time information of the

information data contained in the information data object ("system control circuit 15" in

Fig. 1; column 9, lines 56-67); and (4) recording means for recording in a recording

medium the modified information file and the playback description data outputted from

the description data processing means ("system control circuit 15" in Fig. 1; column 10,

lines 49-52).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 7, 25, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Sakai et al. (US Patent 6,658,196) as applied to claims 1-6, 9-24, 27-35, and 38-50

above, and further in view of Ferster (US Patent 5,559,562).

Claim 7 and 36 recite the information data comprising encoded moving image

data, and the description data processing means modifying the content of the playback

description data such that a playback start position or playback end position of the

moving image data after the modification of the playback procedure corresponds to a

boundary between units of encoding in the moving image data.

Claim 25 recites the information data being encoded, the modified information

data being generated by using the encoding units as processing units, and the section

where the modification processing is performed being determined independently of the

processing units.

See the teachings of Sakai et al. above.

Furthermore, Sakai et al. teach the information data being encoded (column 8, lines 63-65), and the section where the modification processing is performed being determined independently of processing units (column 8, lines 56-60).

Sakai et al. do not teach the playback start and end positions corresponding to a boundary between units of encoding.

Sakai et al. do not teach the modified information data being generated by using the encoding units as processing units.

Ferster teaches that editing positions being at boundary of encoding units (column 3, lines 43-51).

Ferster teaches that the modified information data being generated by using the encoding units as processing units (column 3, lines 43-47).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Ferster regarding to editing positions being at boundary of encoding units into the editing system taught by Sakai et al. because doing such would make editing much easier since, according to Ferster, who uses MPEG-2 encoding for illustration, editing can only occur at key frame, which marks the boundary of encoding units, in accordance with corresponding encoding scheme (column 3, lines 1-3).

Therefore the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent of unexpected results to the contrary.

Claim 8, 26, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Sakai et al. (US Patent 6,658,196) as applied to claims 1-6, 9-24, 27-35, and 38-50

above, and further in view of Kajimoto (US Patent 5,974,220).

Claims 8 and 37 recite the information data being recorded in a recording

medium, and the description data processing means modifying the content of the

playback description data such that a playback start position or playback end position of

the information data after the modification of the playback procedure correspond to units

of access on the recording medium.

Claim 26 recites the modified information data is generated by using the access

units of a recording medium in which the information data is recorded, and the section

where the modification processing is performed is determined independently of the

processing units.

See the teachings of Sakai et al. above, including the information data being

recorded in a recording medium (column 9, lines 44-51) and the description data

processing means modifying the content of the playback description data (column 9,

lines 54-67).

Furthermore, Sakai et al. teach the modified information data is generated

(column 9, lines 36-50) and the section where the modification processing is performed

being determined independently of processing units (column 8, lines 56-60).

Sakai et al. do not teach the playback start and end positions corresponding to

units of access on the recording medium.

Sakai et al. do not teach the modified information data to be generated by using the access units of a recording medium.

Kajimoto teaches a method of editing video information, which uses an editing information where editing time positions, which are playback start and end position, correspond to units of access on the recording medium (column 16, lines 37-50).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the features of the editing apparatus including the concept of editing time positions, which are playback start and end position, correspond to units of access on the recording medium taught by Kajimoto to the editing system taught by Sakai et al. because, so doing, helps elimination of the problem of playback discontinuity demonstrated by prior art (column 10, lines 29-31; column 18, lines 53-56; column 19, lines 51-55).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is 571-270-1116. The examiner can normally be reached on M-Th:7:30-5:00; every other Friday: 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shanon Foley can be reached on 571-272-0898. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hung Dang

Patent Examiner

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